UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/SR.56
12 August 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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Consideration of draft resolutions under agenda items 11 and 19

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GE.94-12374 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS UNDER AGENDA ITEMS 11 AND 19 (E/CN.4/1994/L.8/Rev.1, L.39/Rev.1, L.57, L.59, L.60, L.62, L.64, L.65, L.66, L.68/Rev.1, L.69, L.75 and L.76)

Draft resolution on the question of integrating the rights of women into the human rights mechanisms of the United Nations (E/CN.4/1994/L.8/Rev.1)

1. Ms. BUCK (Canada), introducing the draft resolution on behalf of its sponsors, said that it included two linked elements, namely, the integration of women's rights into the human rights mechanisms of the United Nations and the appointment of a special rapporteur on violence against women. There were three editorial amendments to the draft resolution. First, its title should be "Question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women". The sixth preambular paragraph should be amended to read: "Alarmed by the marked increase in acts of sexual violence directed notably against women and children [...], and reiterating that such acts constitute grave breaches of international humanitarian law,". Lastly, the beginning of paragraph 7 (a) should be amended to read: "Seek and receive information on violence against women ...". Her delegation hoped that the draft resolution could be adopted by consensus.

2. Mr. LEBAKINE (Acting Secretary of the Commission) said that Guatemala, Indonesia, Latvia, Lesotho, Luxembourg, Malawi, Malta, Republic of Korea, Slovakia, Spain and Turkey had become sponsors of the draft resolution.

3. Mr. MORA GODOY (Cuba) thanked the Canadian delegation for its commendable efforts to come up with a text, adding that his delegation, which had circulated a draft text on that same question, had joined the consensus on draft resolution L.8/Rev.1. His delegation hoped that the question of women's rights would be made a separate item on the agendas of all the United Nations human rights mechanisms.

4. Ms. KUNADI (India) said that although some of her delegation's concerns were not reflected in the text of the draft resolution, India, which had participated actively in the consultations, wished to become one of its sponsors.

5. Mr. LEBAKINE (Acting Secretary of the Commission) said that India and Italy were joining the list of sponsors. He announced that the estimated cost of the activities contemplated in the draft resolution would be US$ 28,200 in 1994.

6. Draft resolution E/CN.4/1994/L.8/Rev.1, as orally revised, was adopted without a vote.

Draft resolution on human rights and terrorism (E/CN.4/1994/L.39/Rev.1)

7. Mr. URRUTIA (Peru), introducing the draft resolution on behalf of its sponsors, said that the escalation of violence due to terrorism remained one of the greatest challenges now facing the international community. Terrorism,

which continually took new forms, knew no frontiers and affected all States, whatever their level of development. Even the most developed countries encountered difficulties in the implementation of prevention measures and in the fight against terrorist attacks. In the developing countries, where terrorism was linked with other forms of crime such as drug trafficking, it had a number of consequences, including the paralysis of tourism and population displacement. The draft resolution reproduced the wording of resolution 1993/48 adopted by the Commission at its previous session, and followed on from Sub-Commission resolutions 1993/13 and 1993/23 as well as General Assembly resolution 48/122 adopted on 20 December 1993. His delegation hoped that the draft resolution would be adopted by consensus.

8. Mr. LEBAKINE (Acting Secretary of the Commission) said that Paraguay and Ecuador had become sponsors of the draft resolution.

9. Mrs. SABHARWAL (India) said that India also wished to become a sponsor of the draft resolution.

10. Ms. LAHNALAMPI (Finland) said that her delegation was joining in the consensus on the draft resolution. However, it had some reservations about the statement that acts of terrorism constituted violations of human rights, since in its opinion violations of human rights were by definition perpetrated by Governments. In that regard, her delegation stressed the need for States to respect all rights and fundamental freedoms in their fight against terrorism. The main task of the United Nations human rights bodies continued to be to ensure respect for the international standards and instruments on the matter.

11. Draft resolution E/CN.4/1994/L.39/Rev.1 was adopted without a vote.

Draft resolution on human rights and unilateral coercive measures (E/CN.4/1994/L.57)

12. Mr. PÉREZ NOVOA (Cuba) began by saying that Colombia was not a sponsor of the draft resolutions and that that error should be corrected in the final version of the text. During the consultations the Cuban delegation had gone out of its way to be flexible so as to enable the text to reflect as fully as possible paragraph 31 of the Vienna Declaration, in which the World Conference called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that created obstacles to trade relations among States and impeded the full realization of the human rights set forth in international human rights instruments, and in which it affirmed that food should not be used as a tool of political pressure. It was unacceptable that some States, using their dominant position in the world economy, were taking unilateral coercive measures, such as blockades and embargoes, against developing countries with a view to preventing them from freely developing their international trade.

13. His delegation thus requested that paragraph 1 should be reworded as follows: "Calls upon the international community to reject the use by certain countries of unilateral economic measures which are in clear contradiction with international law against developing countries ..." in paragraph 4, the words "which are in clear contradiction with international

law" should also be added after the words "unilateral coercive measures against developing countries,". Furthermore, in his delegation's view, paragraph 5 should be deleted in its entirety. His delegation hoped that those revisions would satisfy all delegations and that the draft resolution, as revised, could be adopted without a vote.

14. Mr. LEBAKINE (Acting Secretary of the Commission) said that Gabon and the Sudan had become sponsors of the draft resolution.

15. Mr ZHANG Yishan (China) said that his country also wished to become a sponsor of the draft resolution.

16. Mr. CROOK (United States of America) voiced his delegation's reservations regarding the draft resolution, which concerned political issues with which the Commission was not supposed to deal. International law gave every State the right to protect its security, which sometimes implied the obligation to use economic measures against other States in order to prevent the rise of terrorism or the spread of weapons of mass destruction. His delegation therefore opposed the draft resolution.

17. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1994/L.57.

18. Gabon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, the Sudan, Syrian Arab Republic, Uruguay, Venezuela.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Mauritius, Netherlands, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Barbados, Cameroon, Côte d'Ivoire, Cyprus, Gabon, Kenya, Lesotho, Malawi, Mauritania, Togo, Tunisia.

19. Draft resolution E/CN.4/1994/L.57, as orally revised, was adopted by 23 votes to 18, with 12 abstentions.

Draft resolution on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/1994/L.59)

20. Mr. BROTODININGRAT (Indonesia), introducing the draft resolution on behalf of its sponsors, said that, first of all, the word "genuinely" should be deleted from the eighth preambular paragraph. The draft resolution was similar to Commission resolution 1993/57 and took into consideration the Vienna Declaration and Programme of Action. In the draft resolution, the Commission on Human Rights emphasized the role of independent national

institutions in the field of human rights and welcomed the various activities carried out in that domain in the Asian and Pacific region. It requested the Secretary-General to facilitate the realization of the decision of the Government of the Republic of Korea to hold a regional meeting under the regular budget for advisory services and technical assistance. It welcomed the establishment of national commissions for human rights by the Governments of India and Indonesia and requested the Secretary-General to give adequate attention to the countries in the region as regards benefiting from all the activities under the programme of advisory services and technical assistance in the field of human rights. He hoped that the draft could be adopted by consensus.

21. Mr. LEBAKINE (Acting Secretary of the Commission) said that the Islamic Republic of Iran had become a sponsor of the draft resolution.

22. Mr. HASHIM (Bangladesh) said that his delegation also wished to sponsor the draft resolution.

23. Mr. EICHER (United States of America) said he welcomed the Indonesian delegation's proposal to delete from the eighth preambular paragraph the word "genuinely", about which his delegation had had reservations. His country was convinced that, contrary to what was called for in paragraphs 9, 11 and 12 of the text, regional meetings should be financed at the regional level rather than from the budget for advisory services and technical assistance in the field of human rights, which was already very limited. His delegation would vote against the draft resolution.

24. At the request of the representative of the United States of America, a vote was taken by roll-call.

25. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Guinea-Bissau, India, Indonesia, Islamic Republic of Iran, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, the Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela

Against: United States of America

Abstaining: Germany, Hungary, Italy, Lesotho, Malawi, Netherlands, United Kingdom of Great Britain and Northern Ireland.

26. Draft resolution E/CN.4/1994/L.59, as orally revised, was adopted by 45 votes to 1, with 7 abstentions.

Draft resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (E/CN.4/1994/L.60)

27. Mr. DEMBINSKI (Poland), introducing the draft resolution on behalf of its sponsors, said that it followed on from resolutions 1992/56 and 1994/53. Its purpose was to highlight the necessity of eliminating any discrimination linked to human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). The draft resolution took into consideration the reports of the Sub-Commission Special Rapporteur on discrimination against persons with HIV/AIDS (E/CN.4/Sub.2/1990/9, E/CN.4/Sub.2/1991/10, E/CN.4/Sub.2/1992/10 and E/CN.4/Sub.2/1993/9). In the draft resolution, the Commission on Human Rights requested the Secretary-General to prepare a report on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS. The sponsors of the draft resolution were convinced that on the basis of that report it would be possible to take effective measures to eliminate all discrimination related to HIV and to AIDS. His delegation hoped that the draft resolution could be adopted by consensus.

28. Mr. LEBAKINE (Acting Secretary of the Commission) said that Chile, Colombia, Denmark, Greece, Portugal and the United States of America wished to become sponsors of the draft resolution.

29. Mr. KHOURY (Syrian Arab Republic) said it was unfortunate that the resolution had been drafted in a language which did not correspond to the social values of some countries and that, in particular, mention had been made in the draft of "those affected by HIV/AIDS, ... and those with whom they live". If the draft resolution were to be put to a vote, his delegation would abstain on those grounds.

30. Draft resolution E/CN.4/1994/L.60 was adopted without a vote.

Draft resolution on strengthening of the rule of law (E/CN.4/1994/L.62)

31. Mr. VERGNE SABOIA (Brazil), introducing the draft resolution on behalf of its sponsors, said that the draft was based on the assumption that violations occurring in States which in other respects favoured human rights were often due to the lack of adequate structures in that area. Accordingly, it would be useful to establish a mechanism to provide assistance to the countries concerned. His delegation hoped that the draft resolution would be adopted by consensus.

32. Mr. LEBAKINE (Acting Secretary of the Commission) said that Denmark, Greece, Madagascar, Nepal, Tunisia and Turkey wished to become sponsors of the draft resolution.

33. Draft resolution E/CN.4/1994/L.62 was adopted without a vote.

Draft resolution on human rights and mass exoduses (E/CN.4/1994/L.63)

34. Mr. TROTTIER (Canada), introducing the draft resolution on behalf of its sponsors, who had been joined by Denmark, Germany, Philippines, Sweden and the United Kingdom of Great Britain and Northern Ireland, said that following

consultations with China, Cuba and Malaysia, several amendments had been made to the text in order to arrive at a consensus. Thus, at the end of the second preambular paragraph, the words "and by the human suffering of millions of refugees and displaced persons" had been added. It had also been agreed to add a new paragraph between the fourth and fifth paragraphs of the preamble, the text of which read: "Noting that the concepts and recommendations put forward by the Secretary-General in 'An agenda for peace' continue to be considered by the General Assembly and consultations in this regard are still taking place". In the sixth paragraph, which had become the seventh, the words "and other intergovernmental forums" had been deleted and, in the French version, the verb "ont" had been replaced by "a". In the eighth paragraph (formerly the seventh), following the words "global refugee crisis", the words "and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing" had been added, and following the words "comprehensive approach by the international community is needed", the words "in coordination and cooperation with the countries concerned and the relevant organizations and bearing in mind the mandate of the United Nations High Commissioner for Refugees,".

35. Other amendments had also been made to the draft text. In paragraph 4, the words "where appropriate" had been added after "seek information". In paragraph 10, in the last line, the words "human rights" had been replaced by "all human rights". At the end of paragraph 12, the words "early warning" had been deleted. In paragraph 15, the end of the paragraph following the words "voluntary return home" had been deleted and replaced by "and his views on the matters referred to in his report". His delegation hoped that the amendments to the draft resolution would lead to its adoption by consensus.

36. Mr. LEBAKINE (Acting Secretary of the Commission) said that Greece, Ireland, Luxembourg and the Netherlands wished to become sponsors of the draft resolution.

37. Ms. KUNADI (India) said she recognized that the question of human rights and mass exoduses was important. The draft resolution contained some new ideas, in particular in paragraphs 11, 12 and 15. Her country, which had not been able to participate in the consultations, hoped to have the opportunity to hold discussions with the other members of the Commission.

38. The CHAIRMAN suggested that the Canadian delegation should inform the officers as soon as the consultations had been completed.

Draft resolution on the proclamation of a decade for human rights education (E/CN.4/1994/L.64)

39. Mr. RHENAN SEGURA (Costa Rica), introducing the draft resolution on behalf of its sponsors, said that following consultations on the resolution, the following changes should be made to the draft text. In the eighth preambular paragraph, the words "within a democratic society" should be replaced by "in all societies". Paragraph 1 should be reformulated to read: "Requests the Economic and Social Council to request the General Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education". In paragraph 4 of the Spanish version, the word

"pueblos" should be replaced by "poblaciones". Paragraph 6 of the Spanish version should include the full name of the Committee on the Elimination of Discrimination against Women (Comité para la Eliminacion de la Discriminacion contra la Mujer). Paragraph 11 should be replaced by "Decides to continue the consideration of this question at its fifty-first session under an appropriate agenda item". In the English version, the word "peoples" should be replaced by "people" in every case.

40. In view of the importance of the draft, which was in every respect in conformity with the spirit of the Vienna Declaration, his delegation hoped that it could be adopted by consensus.

41. Mr. LEBAKINE (Acting Secretary of the Commission) said that Algeria, Gabon, Greece, Mongolia, the Netherlands, Norway, and Tunisia wished to become sponsors of the draft resolution.

42. Mr. MALGINOV (Russian Federation) said that he was in agreement in principle with the approach taken by the sponsors of the draft resolution. It might well be asked, however, whether the United Nations was not proclaiming too many decades and special years. Moreover, human rights education was only one of the factors which had to be taken into account in the area of the protection and promotion of human rights. It might be more appropriate to plan a comprehensive programme of action for human rights.

43. Draft resolution E/CN.4/1994/L.64, as revised, was adopted without a vote.

Draft resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1994/L.65)

44. Mr. TORELLA DI ROMAGNANO (Italy), introducing the draft resolution on behalf of its sponsors, said that the World Conference on Human Rights had emphasized the importance of the World Public Information Campaign for Human Rights. For greater clarity, the sponsors had decided to add to the fifth line of paragraph 11 the word "above-mentioned" following the words "currently devoted to the". His delegation, which wished to stress the importance of public information activities in the area of human rights, hoped, on behalf of the sponsoring States, that the draft resolution would be adopted by consensus.

45. Mr. LEBAKINE (Acting Secretary of the Commission) said that Cameroon, Madagascar, Mongolia, Turkey and Uruguay had become sponsors of the draft resolution.

46. Draft resolution E/CN.4/1994/L.65, as orally amended, was adopted without a vote.

Draft resolution on human rights and thematic procedures (E/CN.4/1994/L.66)

47. Mr. PINTER (Observer for the Czech Republic), introducing the draft resolution on behalf of its sponsors, said that the text was based on resolution 1993/47 adopted by consensus the previous year. The draft text

highlighted the importance of cooperation between Governments and those responsible for the various thematic procedures. After intensive consultations with interested delegations and in a spirit of compromise, the sponsors had accepted the following modifications: in paragraph 7 the word order was changed and the paragraph read: "Invites the non-governmental organizations to continue their cooperation with thematic procedures"; paragraph 8 concluded with the words "human rights" and the rest of the paragraph was omitted; following the words "conclusions and recommendations", paragraph 13 would read: "so as to enable further discussion of their implementation at subsequent sessions of the Commission;". He hoped that draft resolution E/CN.4/1994/L.66 could be adopted by consensus.

48. Mr. LEBAKINE (Acting Secretary of the Commission) said that Cyprus, Jordan, the United States of America and Uruguay had joined the sponsors of the draft resolution.

49. Draft resolution E/CN.4/1994/L.66, as orally revised, was adopted without a vote.

Draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1994/L.68/Rev.1)

50. Ms. WENSLEY (Australia), introducing the draft resolution on behalf of its sponsors, said because the Commission was assigning increasing importance to national institutions, the draft resolution requested the Secretary-General and the Centre for Human Rights to give high priority to that matter. A slight change had been made in the fifth preambular paragraph: the sponsors had agreed to replace the words "to play a catalytic role" with "to play an important role". The draft resolution had received wide support from all the regions and she hoped that it would be adopted by consensus.

51. Mr. LEBAKINE (Acting Secretary of the Commission) said that Argentina, Bulgaria, Finland, Greece, India, Indonesia, Latvia, Malawi, Senegal, Slovakia, Spain and Tunisia had become sponsors of the draft resolution.

52. Draft resolution E/CN.4/1994/L.68/Rev.1, as orally revised, was adopted without a vote.

Draft resolution on strengthening the Centre for Human Rights (E/CN.4/1994/L.69)

53. Mr. LARSEN (Observer for Denmark), introducing the draft resolution on behalf of its sponsors, said that the draft had received wide support. It had given rise to intensive consultations, which had resulted in the following amendments: in the fifth preambular paragraph, the words "emphasizing the desirability of paying particular attention to the recruitment to the Centre for Human Rights of persons from underrepresented countries" had been added. In paragraph 5, the words "the activities envisaged" had been replaced by "the mandates contained in". At the end of the paragraph, the words "without diverting resources from development programmes and activities of the United Nations" had been added. In paragraph 6, the word "additional" had been replaced by "appropriate". He hoped that draft resolution E/CN.4/1994/L.69 would be adopted by consensus.

54. Mr. LEBAKINE (Acting Secretary of the Commission) said that Afghanistan, Algeria, Angola, Armenia, Burundi, Côte d'Ivoire, Cyprus, Equatorial Guinea, France, Gambia, Israel, Malta, Nigeria, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe had become sponsors of the draft resolution.

55. Ms. LAHNALAMPI (Finland) pointed out that Finland had been left out of the list of States which were sponsors of the draft resolution.

56. Draft resolution E/CN.4/1994/L.69, as orally revised, was adopted without a vote.

Draft resolution on the effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard (E/CN.4/1994/L.75)

57. Mr. MORA GODOY (Cuba), introducing the draft resolution on behalf of its sponsors, said that the purpose of the draft was to improve the functioning of the various supervisory, investigative and monitoring mechanisms and to ensure their objectivity, impartiality and non-selectivity.

58. Mr. LEBAKINE (Acting Secretary of the Commission) said that Syria had become a sponsor of the draft resolution.

59. Mr. STROHAL (Austria) requested that the decision on the draft resolution should be postponed as the consultations had not been completed.

60. Mr. ZHANG Yishan (China) said that an error in the Chinese text should be corrected: the word Cuba was followed by an asterisk, which meant that Cuba was not a member of the Commission.

61. Mr. MORA GODOY (Cuba) said that the same applied to the English text, which should also be rectified. He was willing to comply with the request made by the Austrian delegation and would thus agree to a postponement of the decision on the draft resolution.

62. It was so decided.

Draft resolution on the composition of the staff of the Centre for Human Rights (E/CN.4/1994/L.76)

63. Mr. SILALAHI (Indonesia), introducing the draft resolution on behalf of its sponsors, noted that paragraph 11 of the Vienna Declaration and Programme of Action requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights. He hoped that the draft resolution would be adopted by consensus.

64. Mr. LEBAKINE (Acting Secretary of the Commission) said that Afghanistan, Algeria, Bangladesh, Cameroon, Ethiopia, Kenya, Myanmar, Pakistan and Sri Lanka had become sponsors of the draft resolution.

65. Mr. HYNES (Canada) felt that the Commission must fully support the Secretary-General in the context of paragraph 3 of Article 101 of the Charter of the United Nations, according to which the paramount consideration in recruitment must be competence. The current draft resolution had given rise to intensive consultations but they had not resulted in the changes hoped for by certain delegations. Supported by a certain number of delegations, he requested that the draft resolution should be put to a vote, stating that his delegation would vote against it.

66. At the request of the representative of Cuba, a vote was taken by roll-call.

67. Malawi, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Kenya, Lesotho, Malawi, Malaysia, Mauritius, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, the Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, the Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cyprus, Romania.

68. Draft resolution E/CN.4/1994/L.76 was adopted by 36 votes to 15, with 2 abstentions.

69. Mr. LEBAKINE (Acting Secretary of the Commission) said that the decisions on draft resolutions E/CN.4/1994/L.63, E/CN.4/1994/L.71 and E/CN.4/1994/L.72 were postponed until a later meeting.

Draft resolution on the situation of human rights in Albania (E/CN.4/1994/L.56)

70. Mr. PRACANA (Observer for Portugal), introducing the draft resolution on behalf of its sponsors, said that since the Commission on Human Rights had begun its consideration of the situation of human rights in Albania, a number of changes had occurred in that county. The draft resolution therefore stressed the efforts made by the Albanian Government to guarantee and promote respect for human rights and its cooperation with the Commission. His delegation hoped that the draft would be adopted without a vote.

71. Mr. LEBAKINE (Acting Secretary of the Commission) said that Austria, Belgium, France, Greece, Luxembourg, Netherlands, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

72. Draft resolution E/CN.4/1994/L.56 was adopted without a vote.

Draft resolution on assistance to Guatemala in the field of human rights (E/CN.4/1994/L.61)

73. Mr. HELLER (Mexico), introducing the draft resolution on behalf of its sponsors which included six friendly countries favourable to the peace process undertaken in Guatemala, said that the draft took into account most of the recommendations made by the independent expert, Ms. Pinto, in her report (E/CN.4/1994/10). The Commission recognized the cooperation afforded by the Government of Guatemala to the independent expert and the efforts made by President Ramiro de León Carpio to consolidate democratic institutions, but regretted that violations of human rights continued to occur. It accordingly exhorted the Government to adopt the necessary measures, inter alia, to guarantee the independence of the judiciary, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, and to abolish the voluntary civil self-defence committees in those areas in which there was no armed conflict and in accordance with the criteria established by the peace negotiations. The Commission expressed its conviction that the pre-eminence of civilian authority in the national decision-making process was an indispensable condition for the consolidation of the rule of law and the full realization of human rights and it took note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca and of the efforts of the Group of Friendly Countries to advance the peace process. It expressed the hope that those negotiations would lead to human rights agreement and the creation of corresponding machinery for international verification. The draft resolution was the result of extensive consultations and his delegation hoped that it could be adopted without a vote. He also recommended that the Commission should base itself on the original Spanish text of the draft since the English version contained a number of errors.

74. Mr. LEBAKINE (Acting Secretary of the Commission) said that Argentina, Chile and the United States of America had become sponsors of the draft resolution.

75. Draft resolution E/CN.4/1994/L.61 was adopted without a vote.

Draft resolution on advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/L.67)

76. Mr. FLUGGER (Germany), introducing the draft resolution on behalf of its sponsors, said that the draft reflected the satisfaction of the Commission at the substantial increase in the regular budget for the programme of advisory services and the contributions to the Voluntary Fund since the preceding session. The Commission also welcomed the appointment of a board of trustees for the Voluntary Fund. In that connection, the sponsors of the draft resolution wished to thank the High Commissioner for Refugees for having assigned one of his colleagues to the Centre for Human Rights to act as Coordinator of the Voluntary Fund.

77. While much shorter than the similar draft text adopted by the Commission at its forty-ninth session, the current draft had the same objective in terms of substance; it was intended to provide guidelines to the Centre and to the new board of trustees with regard to managing the advisory services programme and to provide guidance to countries requesting assistance and to potential donors. The text of the preamble had been modified in two places: in the fourth line of the fourth preambular paragraph, the words "involved in the field of human rights within" had been inserted after "relevant bodies of" and at the end of the fifth preambular paragraph, the words "with the consent of the Governments concerned" had been added after "internal disturbances". The draft resolution was the fruit of intensive consultations between the sponsors and interested delegations and his delegation hoped it would be adopted without a vote.

78. Mr. LEBAKINE (Acting Secretary of the Commission) said that Angola, Canada, Chile, Greece, the Philippines and the United States of America had become sponsors of the draft resolution.

79. Mr. MORA GODOY (Cuba) said he wished to ask the Commission to postpone taking a decision on the draft resolution because his delegation had presented to the sponsors a number of amendments some of which had not yet been approved. More consultations would be needed in order to arrive at a text which was acceptable to all, which could then lead to consensus on the draft.

80. The CHAIRMAN said that the Commission would take action on draft resolution E/CN.4/1994/L.67 when all the consultations on the text had been completed.

Draft resolution on assistance to Georgia in the field of human rights (E/CN.4/1994/L.70)

81. Mr. WARNKEN (Germany), introducing the draft resolution on behalf of its sponsors which had been joined by Greece, Norway, Slovakia and Spain, said that the text sought to encourage the Government of Georgia in its efforts to ensure enjoyment of human rights and fundamental freedoms to all the inhabitants of Georgia, including Abkhazia. Accordingly, it encouraged the conclusion of a speedy agreement on the provision of technical assistance to the Government of Georgia. His delegation hoped that the draft resolution would be adopted by consensus.

82. Mr. LEBAKINE (Acting Secretary of the Commission), presenting the financial and administrative implications and the budgetary implications of the draft resolution, said that the resources needed for the implementation of the activities projected under paragraph 7 had been estimated at US$ 118,000 for 1994. A report on the programme budget implications of the draft resolution would be submitted to the Economic and Social Council at its next session when the Council considered the report of the Commission on its fiftieth session.

83. Draft resolution E/CN.4/1994/L.70 was adopted without a vote.

Draft resolution on assistance to Somalia in the field of human rights (E/CN.4/1994/L.73)

84. Mr. SHARP (Australia), introducing the draft resolution on behalf of its sponsors, said that, in view of the prevailing tragic circumstances in Somalia, the goal of the draft was to recommend to the Secretary-General that he should extend for 12 months the mandate of the independent expert and to widen the experts mandate to enable him to investigate the alleged violations of human rights in Somalia, in an effort to prevent them. The expert was requested to report to the Commission at its fifty-first session on conditions in Somalia and on implementation of that resolution.

85. Several changes had been made to the draft resolution. In the third line of the fifth preambular paragraph, the words "and also the palpable efforts of" should be inserted after "and Development". In the English version of the text, in the first line, the word "of", which had been omitted erroneously, should be inserted between "role" and "African". At the end of the tenth paragraph, the words "that they are the ones to decide freely on their political, economic and social systems" had been added. In the operative section of the draft, in paragraph 3, the words in the last line "for United Nations personnel" had been deleted and replaced by "for all parties". At the beginning of paragraph 4, before the words "and takes note", the words "Reaffirm the need to protect the Somali people against any violations of their human rights ..." had been added. In the fourth line of the same paragraph, the words "by members of the United Nations forces" had been deleted. In paragraph 5, the word "Recommends" had been replaced by "Urges" and, in the English version, the word "to", omitted by mistake, should be inserted between "unit" and "report". In paragraph 7, the second part of the text following the word "law" had been replaced by: "and to widen the independent expert's mandate to allow him to seek and receive information about and report on the human rights situation in Somalia, in an effort to prevent human rights violations;". Lastly, in paragraph 8, the words "the appropriate additional resources" had been replaced by "adequate resources".

86. The draft resolution was widely supported and his delegation hoped that it would be adopted by consensus.

87. Mr. LEBAKINE (Acting Secretary of the Commission) said that Bangladesh, Canada, Czech Republic, Denmark, Germany, Italy, Mauritius, Mauritania, Pakistan, Republic of Korea, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe had become sponsors of the draft resolution.

88. Mr. KHOURY (Syrian Arab Republic) said he was surprised that the draft resolution had been introduced by the delegation of Australia, a country which was very far from Somalia. If Mauritania had not joined the sponsors, not a single Arab State would have been among them. In his view, it would be appropriate to consult Somalia, an Arab country or representatives of the Organization of Arab Unity or the Arab League, which were mentioned in the text, before adopting the draft.

89. Mr. EL AMIN ELKARIB (Sudan) said that he would like to know why certain words had been deleted from the draft text. The violations committed by elements attached to the United Nations peace-keeping forces in Somalia had even been acknowledged in a United Nations report and his delegation did not understand why they should not be mentioned in the draft.

90. Mr. SHARP (Australia) said that his country's interest in human rights did not have any geographical limits. While Australia was obviously far away from Somalia, it had furnished contingents to the peace-keeping forces sent to that country and continued to follow events there with interest. With regard to the text of the draft resolution, he recalled that it had given rise to very lengthy consultations among different delegations representing various regional groups and that the final text submitted to the Commission had been supported by some 30 delegations. He could only express once again his hope that it could be adopted by consensus.

91. Mr. LEBAKINE (Acting Secretary of the Commission) said that the activities planned under the draft resolution fell within the scope of ongoing United Nations activities and that the resources needed to carry them out would thus be provided from the allocations under chapter 21 (Human Rights) of the 1994-1995 programme budget.

92. The CHAIRMAN invited the Commission to take a decision on draft resolution E/CN.4/1994/L.73.

93. Mr. KHOURY (Syrian Arab Republic), speaking on a point of order, said that nothing in the text of the draft resolution indicated that its goal was to assist the Somalian people. It simply requested an extension of the independent expert's mandate.

94. The CHAIRMAN, interrupting the speaker, reminded him that under rule 61 of the rules of procedure, when the Chairman announced the commencement of voting, no representative might interrupt the voting except on a point of order in connection with the actual process of voting. The statement by the Syrian delegation therefore did not meet that criterion. If he heard no objections, he would take it that the Commission wished to adopt draft resolution E/CN.4/1994/L.73 without a vote.

95. Draft resolution E/CN.4/1994/L.73 was adopted without a vote.

96. Mr. KHOURY (Syrian Arab Republic) urged that a vote should be held on the draft resolution, indicating that he would abstain in the vote.

97. The CHAIRMAN said that the draft resolution had been adopted and that it was no longer possible to request a vote on it. The Syrian delegation would be able to explain its position, as agreed, when the Commission had taken action on all the draft resolutions under agenda item 19.

The meeting rose at 6.05 p.m.